

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

SARAH EDMONDSON, et al.,

Plaintiffs,

v.

KEITH RANIERE, et al.,

Defendants.

1:20-cv-00485-EK-CLP

**MEMORANDUM OF LAW IN SUPPORT OF  
MOTION FOR WITHDRAWAL AS COUNSEL OF RECORD**

Willkie Farr & Gallagher LLP (“Willkie Farr”) respectfully submits this memorandum of law in support of its Motion to Withdraw as Counsel of Record for Defendant Clare Bronfman (the “Motion”). The Court should grant the Motion because (i) Ms. Clare Bronfman assents to the withdrawal of Willkie Farr as her counsel; (ii) Ms. Clare Bronfman will still have adequate representation in this matter because Ronald S. Sullivan, whose formal appearance in this case was entered on July 13, 2020, will continue as Ms. Clare Bronfman’s counsel of record; and (iii) the procedural posture of this case mitigates any potential damage that could be caused by attorney withdrawal. Further, because Mr. Ronald Sullivan will continue to represent Ms. C. Bronfman in this matter, there should be no prejudice to Ms. Clare Bronfman or to the remaining parties if the Court grants Willkie Farr’s Motion.

**STATEMENT OF FACTS**

Pursuant to Local Rule 1.4, the facts supporting this Motion are set forth in the accompanying declaration of Craig C. Martin, one of the counsel of record for Ms. Clare Bronfman in the above-captioned action, dated June 13, 2023 (“Martin Aff.”).

## ARGUMENT

Rule 1.4 of the Local Civil Rules of the United States District Courts for the Southern and Eastern Districts of New York provides that an attorney may be relieved from a case “upon a showing by affidavit or otherwise of satisfactory reasons for withdrawal or displacement and the posture of the case, including its position, of any, on the calendar.” Moreover, “[w]hether to grant or deny a motion to withdraw as counsel is within the sound discretion of the district court.” *Finkel v. Fraterrelli Brothers, Inc.*, No. 05 CV 1551 (ADS) (AKT), 2006 WL 8439497, at \*1 (E.D.N.Y. Dec. 4, 2006) (citing *Whiting v. Lacara*, 187 F.2d 317, 320 (2d Cir. 1999)).

Courts look to the New York Rules of Professional Conduct for guidance on whether to permit an attorney to withdraw. *Whiting v. Lacara*, 187 F.3d 317, 320-21 (2d Cir. 1999). The New York Code of Professional Responsibility permits an attorney to withdraw from representation when their “client knowingly and freely assents to termination of the employment,” and requires the attorney to withdraw when the attorney is discharged by the client. 22 N.Y.C.R.R. § 1200 (Rule 1.16(c)(10); 1.16(b)(3)); *see also United States v. Est. of Wiesner*, No. CV051634DRHAKT, 2017 WL 1450594, at \*6 (E.D.N.Y. Mar. 15, 2017), *report and recommendation adopted*, No. CV051634DRHAKT, 2017 WL 1458724 (E.D.N.Y. Apr. 24, 2017); *Battino v. Cornelia Fifth Ave., LLC*, 09 CIV. 04113 LGS, 2013 WL 4779635, at \*1 (S.D.N.Y. June 26, 2013) (“Withdrawal is permissible when a client indicates he or she no longer wishes to be represented by counsel.”). Courts should also permit attorneys to withdraw when there are irreconcilable differences between attorneys and their clients, and when “the client ‘renders it unreasonably difficult for the lawyer to carry out [such] employment effectively.’” *United States v. Lawrence Aviation Indus.*, No. CV 06-4818 JFB ARL, 2011 WL 601415, at \*1 (E.D.N.Y. Feb. 11, 2011), quoting *Stephen Eldridge Realty Corp. v. Green*, 174 A.D.2d 564, 566, 570 N.Y.S.2d 677, 678 (2d Dep’t 1991); *see also*

*City Merch. Inc. v. Tian Tian Trading Inc.*, No. 1:19-CV-09649-MKV, 2021 WL 119075, at \*4 (S.D.N.Y. Jan. 13, 2021) (“Several courts have found that serious disagreements over litigation strategy and a breakdown in communication between attorney and client are grounds sufficient for withdrawal.”).

### **I. Willkie Farr Has Satisfactory Reason for Withdrawal**

As set forth in the accompanying Martin Aff., Ms. Clare Bronfman, Willkie Farr, and Ronald Sullivan have mutually decided that, pending Court approval, Willkie Farr will withdraw as counsel for Ms. Clare Bronfman. Ronald Sullivan will continue as counsel for Ms. Clare Bronfman. Because Ms. Clare Bronfman assents to Willkie Farr’s withdrawal as her counsel, the Court should grant Willkie Farr’s Motion. *Battino*, 2013 WL 4779635, at \*1.

### **II. The Posture of the Case Permits Withdrawal**

This is a proper and appropriate time to permit counsel to withdraw because discovery has not yet begun, and the Court is currently contemplating pending motions to dismiss. Further, although the Court has stated that it will allow Ms. Clare Bronfman (and the other Defendants) to submit a supplemental brief in support of her pending motion to dismiss, the withdrawal of Willkie Farr will not affect Ms. Clare Bronfman’s ability to timely file this supplemental brief, if she so desires, because Ronald S. Sullivan, who has represented Ms. Clare Bronfman in this matter for nearly three years, is continuing as Ms. Clare Bronfman’s counsel of record.

### **CONCLUSION**

For the reasons set forth above, Willkie Farr respectfully requests that the Court grant its Motion to Withdraw as Counsel of Record for Ms. Clare Bronfman in this Matter.

Dated: June 13, 2023

Respectfully submitted,

/s/ Craig C. Martin

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## **CERTIFICATE OF SERVICE**

Pursuant to Rule 5 of the Federal Rules of Civil Procedure and Rule 5.2 of the Local Rules of the Eastern District of New York, the undersigned, an attorney of record in this case, hereby certifies that on June 13, 2023, a true and correct copy of the foregoing was filed electronically by CM/ECF, which caused notice to be sent to all pro se defendants and counsel and of record.

Dated: June 13, 2023

/s/ Craig C. Martin  
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